

IN THE SUPREME COURT OF MONTANA

IN RE:)
MICHAEL E. SPREADBURY,) PETITION FOR
PEITIONER,) OUT OF TIME APPEAL
)

Comes now, Michael E. Spreadbury, petitioner requesting out of time appeal from the Montana Supreme Court.

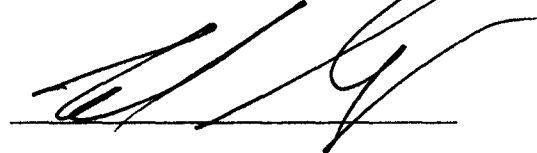
In accordance with M. R. App. P. 4(6) Petitioner seeks out of time appeal to hear civil case for order of protection in the 21st Judicial District, State of Montana, cause No. DV-10-93.

Petitioner is not aware if out of time appeal is necessary, but composing out of time appeal due to beyond 30 days from order from Honorable Larson May 20, 2010. Petitioner considers May 20, 2010 order as interlocutory, and therefore not within scope of out of time appeal, but petitioning court in case 30 day requirement has expired.

Petitioner was not allowed to speak at initial hearing November 20, 2009 due to counsel advising pleading 5th for concurrent criminal charges now time bounded by speedy trial provision in 6th Amendment to US Constitution and Article II s. 24 Montana Constitution. No hearing was ordered immediately as required by Montana Code Annotated MCA 40-15-302(1) in District Court.

Due to due process, fundamental constitutional right issues at law presented by Petitioner, seeks appeal to the Supreme Court of Montana. Aforementioned claims by Petitioner are supported by affidavit within Notice of Appeal, form 1. Secondary rights taken by order are liberty of movement, right to carry firearm. Petitioner seeks mercy of court to proceed with appeal to high court in the State of Montana.

Dated this 16 day of July, 2010



Michael E. Spreadbury

700 S. 4th Street

Hamilton, MT 59840

(406) 363-3877

FILED

JUL 19 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Certificate of Service:

I hereby certify that I have filed a true and accurate copy of the foregoing:

Out of Time Appeal

with the clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing with each attorney of record, and the District Court.

Debbie Harmon, Clerk (hand delivered)

21st Judicial Court

205 Bedford St.

Hamilton, MT 59840

Attorney for Petitioner and Appellee

Natasha Prinzing-Jones

Boone Karlberg PC

PO Box 9199

Missoula, MT 59807-9199

Pro Se Respondent and Appellant

Michael Spreadbury

700 S. 4th Street

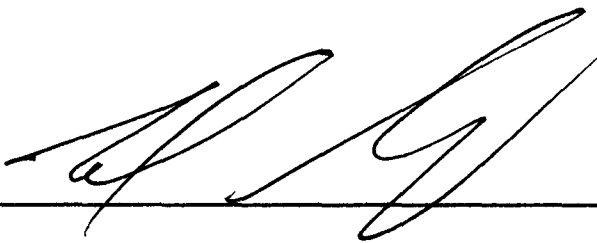
Hamilton, MT 59840

Clerk of Montana Supreme Court

PO Box 203003

Helena MT 59620-3003

Dated: 7/16/10



Michael E. Spreadbury, Pro Se Plaintiff

ORIGINAL

IN THE SUPREME COURT OF MONTANA

IN RE:)
MICHAEL E. SPREADBURY,) PETITION TO FIND
PEITIONER,) 21st DISTRICT CLERK
) IN CONTEMPT OF COURT

Comes now, Michael E. Spreadbury, petitioner requesting declarative judgment from the Montana Supreme Court.

In accordance with Montana Code Annotated MCA 25-10-406, Petitioner found indigent by 21st District Court. Clerk refuses to provide petitioner copies for Supreme Court Appeal, mail service as is required to proceed in a court in the State of Montana.

MCA 25-10-406 says "...Officers of the courts and administrative tribunals shall issue and serve all writs and perform all services in the action without demanding or receiving their fees in advance." Clerk of Court has violated this order since April 2010.

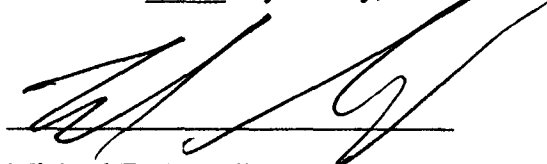
M. R.C.P. 5(a), 5(d) state that service of process to opposing party is required. Petitioner made written requests in motions dated May 28, June 9, July 6 without response from Judge Larson, 4th Judicial District, substitute for 21st District Court.

In notice of appeal, associated paperwork to Cause DV-10-93 Clerk of Court refused to produce paperwork necessary for Petitioner to proceed without payment to the Supreme Court.

Due process, and access to court, in violation to a court order is the issue for the court to determine the levying of contempt charges against the Clerk of Court, 21st District Hamilton, Montana.

Due to violation of fundamental right, Petitioner asks Montana Supreme Court to find Clerk of Court, Ms. Debbie Harmon in contempt of court and sanction appropriately.

Dated this 16 day of July, 2010



Michael E. Spreadbury

700 S. 4th Street

Hamilton, MT 59840

(406) 363-3877

FILED

JUL 1 9 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Certificate of Service:

I hereby certify that I have filed a true and accurate copy of the foregoing:

Petition to Find 21st District Clerk in Contempt of Court.

with the clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing with each attorney of record, and the District Court.

Debbie Harmon, Clerk (hand delivered)

21st Judicial Court

205 Bedford St.

Hamilton, MT 59840

Attorney for Petitioner and Appellee

Natasha Prinzing-Jones

Boone Karlberg PC

PO Box 9199

Missoula, MT 59807-9199

Pro Se Respondent and Appellant

Michael Spreadbury

700 S. 4th Street

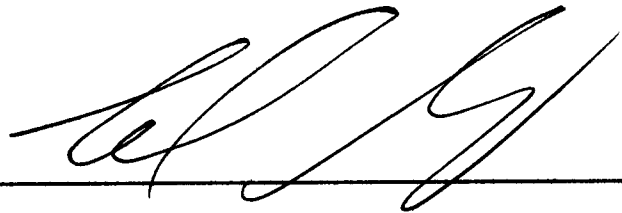
Hamilton, MT 59840

Clerk of Montana Supreme Court

PO Box 203003

Helena MT 59620-3003

Dated: 7/16/10



Michael E. Spreadbury, Pro Se Plaintiff

ORDER

The Petitioner in this action having filed an affidavit of indigence pursuant to §25-10-404, M.C.A., and good cause appearing,

IT IS HEREBY ORDERED that it shall be the duty of the officers of this Court to perform all required services in this action without demanding or receiving their fees in advance.

IT IS FURTHER ORDERED that upon final judgment the Court reserves the power to direct one or both parties to be responsible for and to pay the fees and costs so deferred and to issue execution in the name of the parties to this action for the benefit of the Clerk of Court and/or Sheriff, as provided in §25-10-406, M.C.A.

DATED this 23rd day of April, 2010.

John W. Larson
DISTRICT JUDGE

I certify that I forwarded copies of
this instrument to ~~counsel of record~~
att. by regular mail
April 28, 2010
Debbie Harmon, Clerk
Angie (Langer)
Deputy

Montana Code Annotated 2009

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

Rule 5(a). Service -- when required. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4.

History: En. Sec. 5, Ch. 13, L. 1961; amd. Sup. Ct. Ord. 10750-7, Sept. 29, 1967, eff. Jan. 1, 1968; amd. Sup. Ct. Ord. 10750, Dec. 31, 1975, eff. March 1, 1976.

Provided by Montana Legislative Services

Montana Code Annotated 2009

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

Rule 5(d). Filing; certificate of service. All papers after the complaint required to be served upon a party, together with a certificate of service, shall be filed with the court within a reasonable time after service except that depositions upon oral examinations, depositions upon written questions, interrogatories, requests for documents, requests for admissions, and answers and responses shall not be routinely filed. However, when any motion is filed relating to discovery, the parties filing the motion shall at the same time attach to the motion all of the documents relevant to the motion if the documents have not been previously filed. If for any reason a party believes that any of the foregoing named documents should be filed, the party may make an ex parte request that the document be filed, stating the reasons for filing. Proof of service of a notice to take a deposition shall continue to be filed.

History: En. Sec. 5, Ch. 13, L. 1961; amd. Sup. Ct. Ord. Sept. 1, 1988, eff. Nov. 1, 1988; amd. Sup. Ct. Ord. Mar. 26, 1993.

Provided by Montana Legislative Services

July 8, 2010

Indigent Filers, State of Montana

25-10-404. Poor persons not required to prepay fees -- definition. (1) Except as provided in subsections (3) and (6), a person may request a waiver of fees by filing an affidavit, supported by a financial statement, stating that the person has a good cause of action or defense and is unable to pay the costs or procure security to secure the cause of action or defense. Except as provided in subsections (2) and (6), upon issuance of an order of the court or administrative tribunal approving a request for waiver of fees, the person may commence and prosecute or defend an action in any of the courts and administrative tribunals of this state and the officers of the courts and administrative tribunals shall issue and serve all writs and perform all services in the action without demanding or receiving their fees in advance.

Attn: Clerk of Court Debbie Harmon

In RE: DV-10-222
DV-10-223
DV-10-224
DV-10-93

Michael Spreadbury
Pro Se/Indigent filer 2010

Certificate of Service:

I hereby certify that I have filed a true and accurate copy of the foregoing:

Notice of Transcripts Deemed Necessary for Appeal

with the clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing with each attorney of record, and the District Court.

Debbie Harmon, Clerk (hand delivered)

21st Judicial Court

205 Bedford St.

Hamilton, MT 59840

Attorney for Petitioner and Appellee

Natasha Prinzing-Jones

Boone Karlberg PC

PO Box 9199

Missoula, MT 59807-9199

Pro Se Respondent and Appellant

Michael Spreadbury

700 S. 4th Street


Hamilton, MT 59840

Clerk of Montana Supreme Court

PO Box 203003

Helena MT 59620-3003

Dated: 7/16/10



Michael E. Spreadbury, Pro Se Plaintiff

IN THE SUPREME COURT OF MONTANA

IN RE:)
MICHAEL E. SPREADBURY,) PETITIONER STATEMENT
PEITIONER,)
)

Comes now, Michael E. Spreadbury, petitioner making statement in re: Order of Protection hearing cause DV-10-93.

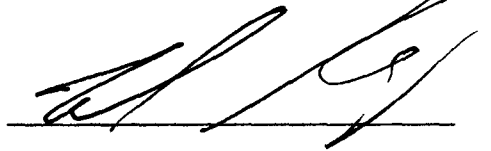
M. R. of App. P. 22 requires petitioners to include factual information provided by District Judges. In a reconsideration order of July 9, 2010 Judge says no new information has been presented. Petitioners motion to review, dissolve filed Feb 17, 2010 states affidavit of Dec. 31, 2009 Respondent states petitioner was in no danger, charges for DC-10-154 had no probable cause, are presently in 9th month since arrest without probable cause without dismissal.

Judge Larson failed to answer Request to Stay Order Pending Appeal motion dated July 1, 2009, as did Defense Counsel. Petitioner is required to include response from Judge as per M.R.App. P. 22, and any response from Defense counsel. None came.

No new information can come forth if no hearing is scheduled immediately. Petitioner appealed on February 17, 2010 and Judge Larson was assigned April 23 or 27, 2010. Interlocutory order of May 20 2010 is enlclosed. No hearing at District Court level.e

Petitioner seeks relief from Montana Supreme Court form order of protection without cause.

Dated this 16 day of July, 2010



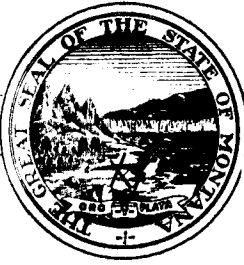
Michael E. Spreadbury

700 S. 4th Street

Hamilton, MT 59840

(406) 363-3877

OFFICE OF STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

RANDI HOOD
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

Phone: (406) 363-7999
Fax: (406) 375-6105

300 South 2nd Street
Hamilton, Montana 59840

July 16, 2010

Michael Spreadbury
P.O. Box 416
Hamilton, MT 59840

Mr. Spreadbury,

I am writing this letter to answer your request regarding my understanding of what occurred at the Hamilton City Court on November 20, 2009 at the hearing on an Order of Protection, then cause number CV-09-168.

I had planned to be present at that hearing as an observer because the hearing would involve facts common to your pending criminal charges for which I represented you, alleged to have occurred on November 4, 2009. I did not plan to represent you at the Order of Protection hearing, a civil matter. We had, however, previously discussed the hearing and I advised you not to make any statements at all about the events of November 4.

When I arrived at the hearing Judge Reardon assigned me as your attorney in City Court case number CR-09-53, a criminal case, but also asked me to take a seat at the litigant's table and represent you at the civil hearing on the Order of Protection. I again advised you not to make any statements regarding the November 4, 2009 incident, though I recall you expressed a desire to give a statement.

Sincerely,

Sent via email: nmiller@mt.gov

Nicholas Miller
Assistant Public Defender

1 Michael E. Spreadbury
2 700 South Fourth St.
3 Hamilton, MT 59840
4 (406) 363-3877
5 mspread@hotmail.com

FILED
DEBBIE HARMON, CLERK

JUL 01 2010

Angela Danner
DEPUTY

6 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT

7 RAVALLI COUNTY

8
9 NANSU RODDY)

Cause No: DV-10-93 /25

10 Petitioner)

Civil Order of Protection.

11 vs.)

12 MICHAEL E. SPREADBURY)

MOTION FOR STAY ON

13 Respondent)

ORDER PENDING APPEAL

14
15 Comes now the Respondent, presenting stay to the 21st District Court in the State of Montana
16 with respect to an order of protection.

17 Pursuant to Montana Rules of App P. 22, Respondent seeks removal to the Montana Supreme
18 Court. Montana Code Annotated, MCA 46-20-701 is proper. Respondent denied substantial
19 constitutional right to speak, due process with respect to order of protection in aforementioned
20 case. Due process is found in Art. II s. 17, free speech in Art. II s. 7 Montana Constitution.

21 Respondent instructed by counsel to not speak, issue of self incrimination at order of protection
22 hearing, Nov. 20, 2009. Respondent could not speak before the court, a fundamental
23 constitutional right. Honorable Judge Larson did not allow Respondent to speak, or have due
24 process, since no hearing scheduled in the District Court by May 20, 2010 order.

25 Respondent is hereby notifying Honorable Larson, 4th Judicial District Court substitute Judge of
26 the 21st Judicial District of appeal action, and seeks stay on order by M.R. App. P. 22.

27 Signed and dated this 1th day of July, 2010

28
29 Michael E. Spreadbury, Pro Se Plaintiff

Certificate of Service:

I certify as a Plaintiff in this action, a copy of the below named motion was served upon the Defendant by First Class United States Mail. The following address was used:

Motion for Stay on Order Pending Appeal

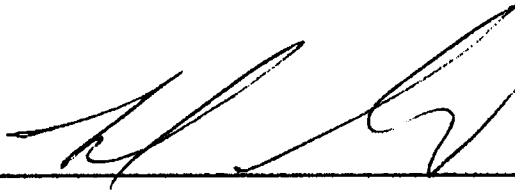
Natasha Prinzing-Jones

Boone Karlberg PC

PO Box 9199

Missoula, MT 59807-9199

Dated: 7/1/10

A handwritten signature in black ink, appearing to read 'Michael E. Spreadbury', is written over a horizontal line.

Michael E. Spreadbury, Pro Se Plaintiff

1 Office of the Respondent

2 700 South Fourth St.

3 Hamilton, MT 59840

4 Phone: 406-363-3877

5

FILED
DEBBIE HARMON, CLERK

FEB 17 2010

DEPUTY

6 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

7 NANSU RODDY) NO CAUSE NO. ASSIGNED

8) Petitioner^c) Municipal Case No: CV-2009-168

9 vs.) Civil Order of Protection.

10)

DN-10-93

11 MICHAEL E. SPREADBURY) REQUEST TO REVIEW/DISSOLVE

12 Respondent)

13 Comes now the Respondent, pursuant to MCA 40-15-201 and MCA 40-15-204 requests review
14 of the order of protection issued in the Hamilton municipal court on November 20, 2009.

15 The petitioner is ineligible for protection pursuant to MCA 40-15-102 due to no crime being
16 committed, or having any prior relationship, or family status. Cause No. DC-09-154 has motion
17 to dismiss citing no probable cause, with no response from the state.

18 Respondent filed affidavit on December 31, 2009 in city court indicating that petitioner was
19 never in danger, and asked for a hearing to reconsider. A motion for a new hearing was filed
20 with the Hamilton Municipal court on December 17, 2009 with no reply.

21 Respondent is harmed by not being permitted to travel down street where residence is located,
22 nor travel freely in the downtown Hamilton area. Penalty is felony crime if a violation of this
23 order is accomplished. Damage to employment prospects, and character ensue.

24 Due to no probable cause for order of protection, and potential for false information in the
25 original order of protection, the Respondent requests dissolution of the aforementioned order of
26 protection for cause and consistent with Montana Law.

27 Signed and dated this 17th day of February, 2010

28

29 Michael E. Spreadbury, pro se Respondent

1 John W. Larson, District Judge
2 Fourth Judicial District Dept. 3
3 Missoula County Courthouse
4 Missoula, MT 59802
5 (406) 258-4773

FILED
DEBBIE HARMON, CLERK

MAY 20 2010

DEPUTY

6 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,
7 RAVALLI COUNTY

8 NANSU RODDY,

Plaintiff,

9 v.

10 MICHAEL E. SPREADBURY,

11 Defendant.

Cause No. DV-10-93/20

ORDER ON APPEAL OF CITY
COURT ORDER OF
PROTECTION

12 The Permanent Order of Protection issued in Hamilton City Court on
13 November 20, 2009, which expires on November 20, 2014, has been
14 transmitted to District Court. On February 17, 2010, Michael Spreadbury
15 filed a request for relief with respect to the Order of Protection.
16

17 This Court references the January 19, 2010, Hamilton City Court's
18 Order Denying Second Motion for New Trial wherein the Order states that in
19 addition to being the Respondent in the above Order of Protection, Michael
20 Spreadbury is also a Defendant in Ravalli District Court Cause No. DC-10-
21 26, charged with trespassing on the library premises after being ordered off
22 the premises (the Honorable John W. Larson presiding); and also a
23 Defendant in Ravalli District Court Cause No. DC-09-154 where he is
24
25
26

1 charged with the felony offense of intimidation in which the victim is a senior
2 library employee (the Honorable Douglas G. Harkin presiding).

3 As stated in the Hamilton City Court Order Denying a Second Motion
4 for a New Trial, the incident giving rise to the intimidation charge is the
5 same incident which gave rise to the Order of Protection and entailed
6 demand that the employee pressure the City Attorney into dropping the
7 misdemeanor charge. The court in each prosecution has ordered
8 conditions of release which effectively deny Mr. Spreadbury access to the
9 library.
10
11

12 For these reasons,

13 IT IS HEREBY ORDERED that the Permanent Order of Protection
14 shall remain in effect consistent with the Hamilton City Court Order of
15 November 20, 2009.
16

17 DATED this 18th day of May, 2010.

18
19 
20 JOHN W. LARSON, District Judge

21 Copies of the foregoing were sent to:

22 *AK*
23 *5-24-10* Kenneth S. Bell, Esq.
Hamilton City Attorney
P. O. Box 210
Hamilton, MT 59840
(406) 363-2101 x21

24 Michael E. Spreadbury
25 700 South 4th Street
Hamilton, MT 59840
26 (406) 363-3877

City Court